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MEUCCL, MICHAEL D

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

1. This action is in response to the request for reconsideration filed 09 January 2009.
2. Claims 1, 2, 4-6, 8-33, 35-37, and 39-62 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8-15, 32, 33, 35-37, 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. (U.S. 5,740,549) hereinafter referred to as Reilly in view of Caplan (U.S. 2003/0050834 A1).

a. As per claims 1 and 32, Reilly teaches: examining, at an apparatus in order to make a determination with respect to a user of the apparatus, one or more messages received from a first node to be passed through to a second node (lines 2-9 of column 10); providing, at the apparatus to said user, in accordance with one or more specified criteria, one or more notifications corresponding to one or more events known by the apparatus, wherein each of said notifications describes one or more of said events, wherein the notifications had previously been moving while a user interface of said apparatus displayed a screensaver (line 65 of column 9 through line 9 of column 10); and enabling, at the apparatus, said user to select, via the non-moving display, one

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or more of the notifications for activating corresponding operations (lines 3-8 of column 13).

Reilly does not explicitly teach: wherein said events correspond to one or more of the messages received from the first node to be passed through to the second node. However, Caplan discloses: "The disclosed invention utilizes a robust peer-to-peer Internet standard comprising TCP/IP, HTTP and port 80 as well as other ports on an application determined basis. SQL database technology can be utilized for storage windows media player for digital streaming across a peer-to-peer network for intercasting with in one embodiment but not limited to a centralized server for backing up the peer-to-peer intercasting," (paragraph [0078] on page 6). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have said events correspond to one or more of the messages received from the first node to be passed through to the second node. "The disclosed invention's peer-to-peer systems go hand-in-hand with decentralized systems. In a fully decentralized system, not only is every host an equal participant, but there are no hosts with special facilitating or administrative roles. In practice, building fully decentralized systems can be difficult, and many peer-to-peer applications take hybrid approaches to solving problems. The disclosed peer-to-peer applications presents a decentralized face while relying on a, as needed, central facilitator to coordinate operations which is achievable in one embodiment of the disclosed invention," (paragraph [0079] on page 6-7 in Caplan). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have said events correspond to one or more of the

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messages received from the first node to be passed through to the second node in the system as taught by Reilly.

b. As per claims 2 and 33, Reilly teaches: one or more of said events relate to software accessible by said apparatus (lines 55-60 of column 14).

c. As per claims 4 and 35, Reilly teaches: one or more of said messages correspond to one or more entities (line 65 of column 9 through line 4 of column 10).

d. As per claims 5 and 36, Reilly does not explicitly teach one or more of said messages correspond to chat. However, Caplan discloses: "Chat systems which have achieved widespread usage, such as AOL's Instant Messenger, have similar "local" properties, and Usenet systems do as well. As a result, the typical ISP configuration instructions give detailed instructions for e-mail, news, and sometimes chat," (paragraph [0022] on pages 2-3). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have messages corresponding to chat. "DNS is a known peer-to-peer protocol design, but with a built-in sense of hierarchy. Semi-centralized organization in application, such as Usenet, instant messaging and Napster is possible, and the disclosed inventions system and method achieves a preferred peer-to-peer as needed," (paragraph [0034] on page 4 of Caplan). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said messages correspond to chat in the system as taught by Reilly.

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e. As per claims 6 and 37, Reilly teaches: two or more of said notifications are displayed simultaneously to said user (line 65 of column 9 through line 9 of column 10).

f. As per claims 8 and 39, Reilly teaches: one or more of said notifications are textual notifications (line 65 of column 9 through line 9 of column 10).

g. As per claims 9 and 40, Reilly teaches: one or more of said notifications are graphical notifications (line 65 of column 9 through line 9 of column 10 and Fig. 6).

h. As per claims 10 and 41, Reilly teaches: said criteria are provided by said user (lines 37-45 of column 9).

i. As per claims 11 and 42, Reilly teaches: criteria provided by a system administrator (lines 36-45 of column 6).

j. As per claims 12 and 43, Reilly does not explicitly teach: one or more of said criteria are metadata. However, Caplan discloses: "Employees can be notified of specials, company news, and new training videos available on the Company's broadcast system," (paragraph [0153] on page 12). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have one or more of said criteria as metadata. "For example, when a user in the company posts a new message in a newsgroup, the next time the company news server contacts the ISP's server, it will notify the ISP's server that it has a new article and then transmit that article. At the same time, the ISP's server sends its new articles to the company's server," (paragraph [0013] on page 2 of Caplan). It is for this reason that one of

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ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said criteria as metadata in the system as taught by Reilly.

k. As per claims 13, 14, 44, and 45, Reilly teaches: scrolling notifications and three-dimensional scrolling (lines 41-45 of column 9).

l. As per claims 15 and 46, Reilly teaches: activating software corresponding to a selected notification (lines 9-15 of column 13).

5. Claims 16 and 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly and Caplan as applied to claims 1 and 32 respectively, in view of Wong et al. (U.S. 5,542,115) hereinafter referred to as Wong.

The combination of Reilly and Caplan does not explicitly teach providing a tactile indication to said user. However, Wong discloses: "if pager unit 22 is in a vibrate mode, microprocessor 80 outputs a signal which causes I/O interface 86 to issue a further signal to activate vibrator 95 (step 322)," (lines 58-61 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a tactile indication to said user. "Notification to the user (either via beeper 94 and/or vibrator 95)" is the motivation for the addition of a tactile indication (lines 65-66 of column 7). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to provide a tactile indication to said user in the system as taught by the combination of Reilly and Caplan.

6. Claims 17-30 and 48-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Caplan, and Lagimonier et al. (US PG Pub. 2003/0041265 A1) hereinafter referred to as Lagimonier.

a. As per claims 17, 29, 48, and 60, Reilly teaches: receiving, at the apparatus from the first node, one or more messages (line 65 of column 9 through line 9 of column 10); examining, at an apparatus in order to make a determination with respect to a user of the apparatus, one or more messages received from a first node to be passed through to a second node (lines 2-9 of column 10); providing, at the apparatus, to said user a display of one or more notifications corresponding to one or more of said messages wherein each of the messages to which said notifications correspond matches one or more specified criteria, wherein each of said notifications describes one or more of messages to which said notifications correspond (line 65 of column 9 through line 9 of column 10); maintaining, receiving, and displaying are performed while a user interface of said node is displaying a screensaver (line 65 of column 9 through line 9 of column 10); providing to said user a non-moving display of one or more of the notifications (line 65 of column 9 through line 9 of column 10); and wherein the notifications had previously been moving while a user interface of said node displayed a screensaver (line 65 of column 9 through line 9 of column 10).

The combination of Reilly and Caplan does not explicitly teach: maintaining, at an apparatus, a number of authenticated connections to at least a first and second node,

wherein the first node and the second node are nodes in a peer-to-peer environment;
and the message is to be passed through to a second of said nodes.

Lagimonier discloses: "Yet another aspect of the present invention provides for a system for processing messages in a peer-to-peer configuration. The system comprises a first peer configured to provide secure communication, a second peer configured to provide secure communication, and a secure communication module, where the secure communication module is configured to be executed by the first peer and second peer," (paragraph [0015] on page 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to maintaining, at an apparatus, a number of authenticated connections to at least a first and second node, wherein the first node and the second node are nodes in a peer-to-peer environment. "The secure communication module is configured to compare the nonce value to a filter in response to a nonce value of a received packet not exceeding a largest nonce value yet seen and the secure communication module is also configured to compare the nonce value to a replay mask. The secure communication module is further configured to accept the received packet in response to the comparison of the nonce value and the replay mask being false," (paragraph [0015] on page 2 in Lagimonier). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to maintaining, at an apparatus, a number of authenticated connections to at least a first and second node, wherein the first node and the second node are nodes in a peer-to-peer environment in the system as taught by the combination of Reilly and Caplan.

The combination of Reilly, Caplan, and Lagamonier described above does not explicitly teach: passing the message through to a second of said nodes. However, Caplan discloses: "Peer-to-peer network operating systems allow users to share devices, files with any networked computer. Files storage and application activity in peer-to-peer networks do not require any single server. Any node on the network can share its drives and environment while running application programs," (paragraph [0111] on page 9). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to pass the message through to a second of said nodes. "While the disclosed invention incorporates any distributed network, the advantage of a peer-to-peer embodiment allows the disclosed invention to share the processing power and storage capacity of networked computer devices even when they run application programs," (paragraph [0110] on page 9 of Caplan). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to pass the message through to a second of said nodes in the system as taught by the combination of Reilly, Caplan and Lagamonier.

b. As per claims 18 and 49, Reilly teaches one or more of the received messages correspond to one or more entities (line 65 of column 9 through line 4 of column 10).

c. As per claims 19 and 50, the combination of Reilly, Caplan, and Lagamonier described above does not explicitly teach one or more of said messages correspond to chat. However, Caplan discloses: "Chat systems which have achieved widespread usage, such as AOL's Instant Messenger, have similar "local" properties,

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and Usenet systems do as well. As a result, the typical ISP configuration instructions give detailed instructions for e-mail, news, and sometimes chat,” (paragraph [0022] on pages 2-3). It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have messages corresponding to chat. “DNS is a known peer-to-peer protocol design, but with a built-in sense of hierarchy. Semi-centralized organization in application, such as Usenet, instant messaging and Napster is possible, and the disclosed inventions system and method achieves a preferred peer-to-peer as needed,” (paragraph [0034] on page 4 of Caplan). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have one or more of said messages correspond to chat in the system as taught by the combination of Reilly, Caplan, and Lagamonier.

d. As per claims 20 and 51, Reilly teaches: two or more of said notifications are displayed simultaneously to said user (line 65 of column 9 through line 4 of column 10).

e. As per claims 21 and 52, Reilly teaches: wherein displaying is via a screensaver (line 65 of column 9 through line 4 of column 10).

e. As per claims 22 and 53, Reilly teaches: one or more of said notifications are textual notifications (line 65 of column 9 through line 4 of column 10).

f. As per claims 23 and 54, Reilly teaches: one or more of said notifications are graphical notifications (line 65 of column 9 through line 4 of column 10 and Fig. 6).

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g. As per claims 24 and 55, Reilly teaches: said criteria are provided by said user (line 65 of column 9 through line 4 of column 10 and Fig. 6).

h. As per claims 25 and 56, Reilly teaches: criteria are provided by a system administrator (lines 36-45 of column 6).

i. As per claims 26 and 57, the combination of Reilly, Caplan, and Lagamonier described above does not explicitly teach: one or more of said criteria are metadata. However, Caplan discloses: "Employees can be notified of specials, company news, and new training videos available on the Company's broadcast system," (paragraph [0153] on page 12). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have one or more of said criteria as metadata. "For example, when a user in the company posts a new message in a newsgroup, the next time the company news server contacts the ISP's server, it will notify the ISP's server that it has a new article and then transmit that article. At the same time, the ISP's server sends its new articles to the company's server," (paragraph [0013] on page 2 of Caplan). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said criteria as metadata in the system as taught by the combination of Reilly, Caplan, and Lagamonier.

j. As per claims 27, 28, 58, and 59, Reilly teaches: scrolling notifications and three-dimensional scrolling (lines 41-45 of column 9).

k. As per claims 30 and 61, Reilly teaches: activating software corresponding to a selected notification (lines 55-60 of column 14).

7. Claims 31 and 62 rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly, Caplan, and Lagimonier as applied to claims 17 and 48 respectively, further in view of Wong.

The combination of Reilly, Caplan, and Lagimonier does not explicitly teach providing a tactile indication to said user. However, Wong discloses: "if pager unit 22 is in a vibrate mode, microprocessor 80 outputs a signal which causes I/O interface 86 to issue a further signal to activate vibrator 95 (step 322)," (lines 58-61 of column 7). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a tactile indication to said user. "Notification to the user (either via beeper 94 and/or vibrator 95)" is the motivation for the addition of a tactile indication (lines 65-66 of column 7). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to provide a tactile indication to said user in the system as taught by the combination of Reilly, Caplan, and Lagimonier.

Response to Arguments

8. Applicant's arguments filed 09 January 2009 have been fully considered but they are not persuasive.

9. Applicant's arguments, see remarks, filed 09 January 2009, with respect to the rejection(s) of claim(s) 1, 17, 32, and 48 have been fully considered and are persuasive.

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Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Caplan as detailed in the rejections above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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/mdm/

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442